

December 19, 2001



Magalie Roman Salas
Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington, DC 20554

Re: *Ex parte* presentation in: CS Docket No. 00-30

Dear Ms. Salas:

On December 18, 2001, on behalf of Media Access Project's clients Consumers Union, Consumer Federation of America, and the Center for Digital Democracy, I met with Susan Eid, legal advisor to Chairman Powell. In regard to the above captioned matter, I urged that the Commission should grant the petition for review filed by Texas.net and remand the matter to the Cable Services Bureau (CSB) for a determination on the merits.

I stated that the language of the Commission's *Order* approving the merger of AOL and Time Warner clearly incorporated the FTC's consent decree and imposed an additional requirement to negotiate in good faith. Ms. Eid asked why, if this were the case, the *Order* failed to specify procedures for such negotiations as the Commission has done for interconnection or other matters requiring good faith negotiation. I replied that the Commission apparently did not wish to unduly intrude in the business negotiations between AOL Time Warner and ISPs by establishing elaborate procedures. At the same time, however, the language of the *Order*, notably in Paragraphs 93-100, demonstrates the Commission's concern that the negotiations would not take place at all without a good faith requirement.

In accordance with Section 1.1206(b), 47 C.F.R. § 1.1206, this letter is being filed electronically with your office today.

Sincerely,

Harold Feld
Associate Director

cc: Susan Eid